

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

March 31, 2021

1:07 p.m.

DRAFT

MEMBERS PRESENT

Representative Matt Claman, Chair
Representative Liz Snyder, Vice Chair (via Teams)
Representative Harriet Drummond
Representative Jonathan Kreiss-Tomkins
Representative David Eastman
Representative Christopher Kurka
Representative Sarah Vance

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

Alaska Police Standards Council

Larry Nicholson - Kodiak
Daniel Weatherly - Anchor Point

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 62

"An Act relating to solemnization of marriage."

- MOVED CSHB 62(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 62

SHORT TITLE: MARRIAGE WITNESSES

SPONSOR(S) : REPRESENTATIVE(S) CLAMAN

02/18/21	(H)	PREFILE RELEASED 1/15/21
02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	STA, JUD
02/25/21	(H)	STA AT 3:00 PM GRUENBERG 120

02/25/21	(H)	-- MEETING CANCELED --
03/04/21	(H)	STA AT 3:00 PM GRUENBERG 120
03/04/21	(H)	Heard & Held
03/04/21	(H)	MINUTE(STA)
03/09/21	(H)	STA AT 3:00 PM GRUENBERG 120
03/09/21	(H)	Heard & Held
03/09/21	(H)	MINUTE(STA)
03/11/21	(H)	STA AT 3:00 PM GRUENBERG 120
03/11/21	(H)	Moved HB 62 Out of Committee
03/11/21	(H)	MINUTE(STA)
03/12/21	(H)	STA RPT 4DP 2DNP 1AM
03/12/21	(H)	DP: CLAMAN, STORY, TARR, KREISS-TOMKINS
03/12/21	(H)	DNP: EASTMAN, VANCE
03/12/21	(H)	AM: KAUFMAN
03/19/21	(H)	JUD AT 1:30 PM GRUENBERG 120
03/19/21	(H)	<Bill Hearing Canceled>
03/24/21	(H)	JUD AT 1:30 PM GRUENBERG 120
03/24/21	(H)	Heard & Held
03/24/21	(H)	MINUTE(JUD)
03/29/21	(H)	JUD AT 1:00 PM GRUENBERG 120
03/29/21	(H)	<Bill Hearing Canceled>
03/31/21	(H)	JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

L. SHANE NICHOLSON, Appointee
 Alaska Police Standards Council
 Kodiak, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Police Standards Council.

DAN WEATHERLY, Appointee
 Alaska Police Standards Council
 Anchor Point, Alaska

POSITION STATEMENT: Testified as appointed to the Alaska Police Standards Council.

ANDREW DUNMIRE, Legislative Counsel
 Legislative Legal Services
 Legislative Affairs Agency
 Juneau, Alaska

POSITION STATEMENT: During the hearing on HB 62, provided information regarding the state's requirement for witnesses at wedding ceremonies and answered questions.

ACTION NARRATIVE

[1:07:35 PM](#)

CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 1:07 p.m. Representatives Drummond, Kreiss-Tompkins, Eastman, Vance, Snyder (via Teams), and Claman were present at the call to order. Representative Kurka arrived as the meeting was in progress.

CONFIRMATION HEARING(S) :
Alaska Police Standards Council

[1:08:15 PM](#)

CHAIR CLAMAN announced that the first order of business would be the confirmation hearing on the governor's appointees to the Alaska Police Standards Council.

[1:08:33 PM](#)

CHAIR CLAMAN opened public testimony on the confirmation hearings.

[1:08:53 PM](#)

L. SHANE NICHOLSON, Appointee, Alaska Police Standards Council, shared that he was born and raised in Alaska, currently living in Kodiak, having been stationed also in Southeast, Alaska, the Kenai Peninsula, and the Interior. He expressed appreciation for the confirmation hearing and offered to answer questions.

[1:09:42 PM](#)

REPRESENTATIVE EASTMAN thanked Mr. Nicholson for his service and asked whether it is typical for retired military personnel to seek careers in law enforcement.

MR. NICHOLSON answered that having taught at the academy, he has seen a lot of former military personnel come to train for law enforcement positions.

REPRESENTATIVE EASTMAN asked about a three-year requirement that applies to former military personnel.

[1:11:52 PM](#)

CHAIR CLAMAN offered his understanding that Representative Eastman was referring to a window of opportunity such that a

person who leaves the military would be get credit for his/her military service when seeking a job for up to three years.

[1:12:19 PM](#)

MR. NICHOLSON said he was unaware of this, but said he thinks it benefits the state to get men and women from the military into law enforcement.

[1:15:13 PM](#)

DAN WEATHERLY, Appointee, Alaska Police Standards Council, related biographical information included on his resume [in the committee packet], including that he retired after 22.5 years with the Alaska State Troopers and 28 years total in law enforcement. He offered to answer questions.

[1:16:27 PM](#)

MR. WEATHERLY, in response to a request from Representative Eastman, offered some details about his experience on a HAZMAT [hazardous materials] spill response team at the Alpine facility.

[1:17:49 PM](#)

MR. WEATHERLY, in response to a request from Chair Claman, clarified the timing of his work experience. In response to a follow-up question, he spoke of his experience in France when his father was in the military overseas.

[1:19:44 PM](#)

CHAIR CLAMAN noted that Mr. White was not able to be present for his confirmation hearing, and he noted that it was a reappointment. He said the committee could decide whether to invite him another time for questions.

[1:20:31 PM](#)

CHAIR CLAMAN closed public testimony on the confirmation hearings.

[1:21:04 PM](#)

REPRESENTATIVE VANCE thanked the appointees for coming forward to serve. She said she would leave it to the discretion of the

rest of the committee whether to bring Mr. White before the committee for questioning.

1:21:20 PM

REPRESENTATIVE EASTMAN said as a former law enforcement worker he hears of those trying to get into law enforcement that are getting "hemmed up" by a requirement for an accredited diploma. He encouraged all the [appointees] to look at all the barriers to entry that exist currently in consideration of which ones may not be necessary. In response to Chair Claman, he indicated he had no input as to whether the committee should hear from Mr. White.

1:23:21 PM

REPRESENTATIVE KURKA opined that since Mr. White had not been before the House Judiciary Standing Committee in its current membership of the Thirty-Second Alaska State Legislature, it would be appropriate to have Mr. White come before the committee. He expressed appreciation to the appointees for their service in making the state safer.

1:24:23 PM

REPRESENTATIVE DRUMMOND said she would appreciate the opportunity to hear from Mr. White.

1:24:42 PM

CHAIR CLAMAN said his staff would endeavor to schedule Mr. White. He said the appointees that the committee had heard speak are well-qualified. He asked for a motion from Representative Snyder, and he requested she not include Mr. White in the motion.

1:25:46 PM

REPRESENTATIVE SNYDER stated that the House Judiciary Standing Committee has reviewed the qualifications of the governor's appointees and recommends that the following names be forwarded to a joint session for consideration: Larry Nicholson and Daniel Weatherly to the Alaska Police Standards Council. She said this does not reflect the intent of individual members to vote for or against these individuals during any further sessions for the purposes of confirmation.

CHAIR CLAMAN announced that the names of Larry Nicholson and Daniels Weatherly, appointees to the Alaska Police Standards Council, would be forwarded to a joint session.

^#hb62

HB 62-MARRIAGE WITNESSES

1:26:32 PM

CHAIR CLAMAN announced that the final order of business would be HOUSE BILL NO. 62, "An Act relating to solemnization of marriage."

CHAIR CLAMAN noted this was the committee's second hearing of HB 62, and the committee would entertain amendments. He stated for the record that Legislative Legal Services would have permission to make any technical and conforming changes.

1:27:15 PM

REPRESENTATIVE VANCE moved to adopt Amendment 1 to HB 62, labeled 32-LS0272\A.7, Klein/Dunmire, 3/26/21, which read as follows:

Page 1, line 1, following "Act":

Insert "**relating to the Legislative Ethics Act;
and**"

Page 1, following line 2:

Insert a new bill section to read:

"* **Section 1.** AS 24.60.030(a) is amended to read:

(a) A legislator or legislative employee may not
(1) solicit, agree to accept, or accept a benefit other than official compensation for the performance of public duties; this paragraph may not be construed to prohibit

(A) lawful solicitation for and acceptance of campaign contributions;

(B) [,] solicitation or acceptance of contributions for a charity event, as defined in AS 24.60.080(a)(2)(B);

(C) [, OR] the acceptance of a gift under AS 24.60.075 or 24.60.080; or

(D) a legislator from accepting travel and hospitality primarily for the purpose of solemnizing a marriage under AS 25.05.261(a)(4);

(2) use public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, for involvement in or support of or opposition to partisan political activity, or for the private benefit of the legislator, legislative employee, or another person; this paragraph does not prohibit

(A) limited use of state property and resources for personal purposes if the use does not interfere with the performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative employee reimburses the state for the cost of the use;

(B) the use of mailing lists, computer data, or other information lawfully obtained from a government agency and available to the general public for nonlegislative purposes;

(C) the legislative council, notwithstanding AS 24.05.190, from designating a public facility for use by legislators and legislative employees for health or fitness purposes; when the council designates a facility to be used by legislators and legislative employees for health or fitness purposes, it shall adopt guidelines governing access to and use of the facility; the guidelines may establish times in which use of the facility is limited to specific groups;

(D) a legislator from using the legislator's private office in the capital city during a legislative session, and for the 10 days immediately before and the 10 days immediately after a legislative session, for nonlegislative purposes if the use does not interfere with the performance of public duties and if there is no cost to the state for the use of the space and equipment, other than utility costs and minimal wear and tear, or the legislator promptly reimburses the state for the cost; an office is considered a legislator's private office under this subparagraph if it is the primary space in the capital city reserved for use by the legislator, whether or not it is shared with others;

(E) a legislator from use of legislative employees to prepare and send out seasonal greeting cards;

(F) a legislator from using state resources to transport computers or other office equipment owned

by the legislator but primarily used for a state function;

(G) use by a legislator of photographs of that legislator;

(H) reasonable use of the Internet by a legislator or a legislative employee except if the use is for election campaign purposes;

(I) a legislator or legislative employee from soliciting, accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable organization in a state facility;

(J) a legislator from sending any communication in the form of a newsletter to the legislator's constituents, except a communication expressly advocating the election or defeat of a candidate or a newsletter or material in a newsletter that is clearly only for the private benefit of a legislator or a legislative employee; or

(K) full participation in a charity event approved in advance by the Alaska Legislative Council;

(3) knowingly seek, accept, use, allocate, grant, or award public funds for a purpose other than that approved by law, or make a false statement in connection with a claim, request, or application for compensation, reimbursement, or travel allowances from public funds;

(4) require a legislative employee to perform services for the private benefit of the legislator or employee at any time, or allow a legislative employee to perform services for the private benefit of a legislator or employee on government time; it is not a violation of this paragraph if the services were performed in an unusual or infrequent situation and the person's services were reasonably necessary to permit the legislator or legislative employee to perform official duties;

(5) use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for the purpose of political fund raising or campaigning; this paragraph does not prohibit

(A) limited use of state property and resources for personal purposes if the use does not interfere with the performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative employee reimburses the state for the cost of the use;

(B) the use of mailing lists, computer data, or other information lawfully obtained from a government agency and available to the general public for nonlegislative purposes;

(C) storing or maintaining, consistent with (b) of this section, election campaign records in a legislator's office;

(D) a legislator from using the legislator's private office in the capital city during a legislative session, and for the 10 days immediately before and the 10 days immediately after a legislative session, for nonlegislative purposes if the use does not interfere with the performance of public duties and if there is no cost to the state for the use of the space and equipment, other than utility costs and minimal wear and tear, or the legislator promptly reimburses the state for the cost; an office is considered a legislator's private office under this subparagraph if it is the primary space in the capital city reserved for use by the legislator, whether or not it is shared with others; or

(E) use by a legislator of photographs of that legislator."

Page 1, line 3:

Delete "**Section 1**"

Insert "**Sec. 2**"

Renumber the following bill sections accordingly.

[1:27:17 PM](#)

REPRESENTATIVE SNYDER objected for purposes of discussion.

[1:27:21 PM](#)

REPRESENTATIVE VANCE spoke to Amendment 1. She said she had spoken with Jerry Anderson, Administrator, Select Committee on Legislative Ethics, and the proposed amendment would establish parameters as to what is reasonable hospitality, such as payment for travel accommodations for an elected official to solemnize a marriage. She pointed out that while compensating a helicopter ride [for a wedding taking place] atop a mountain would be reasonable, paying for a five-day cruise would not be.

[1:29:07 PM](#)

REPRESENTATIVE SNYDER removed her objection to Amendment 1. There being no further objection, Amendment 1 was adopted.

[1:30:01 PM](#)

REPRESENTATIVE EASTMAN directed attention to language in the proposed bill on page 1, lines 12-14, which read:

The person solemnizing the marriage [AND THE TWO ATTENDING WITNESSES] shall sign the original marriage certificate and the necessary copies.

He suggested keeping "and two witnesses" as a compromise; the witnesses would not need to be present, but at least there would be witnesses.

[1:31:31 PM](#)

CHAIR CLAMAN reminded Representative Eastman of the [elapsed] amendment deadline.

REPRESENTATIVE EASTMAN said there seems to be some consensus that there is no need to have witnesses at the ceremony, but some would like witnesses to sign the document to verify there are no fraudulent "goings on" taking place. He pointed out that this is the only language in statute requiring witnesses.

[1:32:47 PM](#)

The committee took an at-ease from 1:32 p.m. to 1:33 p.m.

[1:33:03 PM](#)

CHAIR CLAMAN said he would not relax the amendment deadline; however, he said he thinks it would be worthwhile to hear from the bill drafter on the subject.

[1:34:43 PM](#)

REPRESENTATIVE VANCE suggested Mr. Dunmire could speak to what the State of Alaska requires and the [question] as to whether not having two witnesses at a ceremony would be in violation of state law.

[1:35:54 PM](#)

ANDREW DUNMIRE, Legislative Counsel, Legislative Legal Services, Legislative Affairs Agency, stated that currently, in order for a marriage to be valid in Alaska, it must comply with AS 25.05.301, the first sentence of which he paraphrased, and which read as follows:

In the solemnization of marriage no particular form is required except that the parties shall assent or declare in the presence of each other and the person solemnizing the marriage and in the presence of at least two competent witnesses that they take each other to be husband and wife.

MR. DUNMIRE said the couple could go to a courthouse to make the declaration to each other and subsequently fly to a glacier to have a more personal ceremony.

[1:37:43 PM](#)

REPRESENTATIVE VANCE, referring to Mr. Dunmire's example of a couple going to a courthouse, said that "there are a lot of other people who are formally recognized to solemnize a marriage." She described a scenario in which [a couple] had a "traditional ceremony" and, at a later date, had the person who was solemnizing a marriage and two other witnesses verify they had heard the couple exchange their vows and consent to marriage and sign the document. She asked Mr. Dunmire to confirm whether that scenario would fulfill AS 25.05.301.

MR. DUNMIRE responded yes. He said he had used a courthouse as an example, and he noted that there are "other people in Alaska who are qualified to ... perform marriages."

REPRESENTATIVE VANCE said this maintains her wish to respect the privacy of a couple getting married and allows them to stay within the law when having the documents signed by witnesses at a separate time.

[1:39:12 PM](#)

CHAIR CLAMAN, in an example wherein a couple married on Monday in a courthouse and then had a religious ceremony in a church on Tuesday, questioned whether this would "create a requirement ... that religious ceremonies needed to have, in addition, a separate civil ceremony." He clarified he meant under the current status of the law.

1:40:24 PM

MR. DUNMIRE answered no. He cited AS 25.05.291, which read as follows:

Sec. 25.05.291. Civil and religious ceremonies.
When a religious ceremony between two parties follows
a civil ceremony between them, one license is
sufficient for both ceremonies.

MR. DUNMIRE, in response to a follow-up question, said under current law, a couple who is married in a church ceremony is not required to also have a civic ceremony, as long as the church ceremony satisfies the requirement under AS 25.05.301.

CHAIR CLAMAN then asked for Mr. Dunmire's perspective of the purpose of having witnesses in a civil ceremony.

MR. DUNMIRE noted that the statute requiring those witnesses was enacted in 1963, but he said he would have to do some research as to why the legislature decided that requirement was appropriate.

CHAIR CLAMAN proffered that "the two-witness requirement" comes from England from the 1600s, when the state was not making records of marriages. He asked Mr. Dunmire if he could think of any reason today to maintain the witness requirement when there is "a fairly robust mechanism for tracking who's married and who's not married" and have those records in Alaska.

MR. DUNMIRE replied that he can't think of any legal reasons, and he said that it is a policy decision for the legislature.

CHAIR CLAMAN pointed out that on an application for a permanent fund dividend (PFD), the applicant must verify the name and address of those listed as witnesses, while no such information is required for witnesses on the marriage document. He asked Mr. Dunmire if he can explain why that is so.

MR. DUNMIRE answered he could not.

1:45:02 PM

REPRESENTATIVE EASTMAN said Chair Claman makes a good point that those two witness requirements are not uniform, and he opined that "we should be requiring at least as much for ... the marriage witness as for a PFD witness."

1:45:35 PM

CHAIR CLAMAN invited final comments on HB 62, as amended.

1:45:50 PM

REPRESENTATIVE KURKA said he likes the intent of the proposed bill, but expressed concern about removing the requirement for two witnesses; therefore, at this time he cannot support moving the bill forward. He mentioned concerns about the wedding industry having problems running a business, and he said he would probably support an amendment to address that issue.

1:47:14 PM

REPRESENTATIVE KREISS-TOMKINS said he thinks [the witness requirement] is "ridiculous and dumb." He expressed disbelief that "we're making so many protestations to tell people how they want to get married to their life partner."

1:47:47 PM

REPRESENTATIVE DRUMMOND said the first time she married was by a priest in a Russian Orthodox church. The second time she married, a friend solemnized the marriage and took care of the paperwork. She said she agrees with the purposes of HB 62, as amended, because the paperwork the solemnizer takes care of is plenty. She specified that she agrees with eliminating the requirement for witnesses "at the ceremony or anywhere else."

1:49:53 PM

REPRESENTATIVE VANCE thanked Chair Claman for his involvement. She said, "We see the two witness requirements very differently." She called the wedding ceremony a religious, spiritual experience, and she indicated that is why it is difficult to differentiate what is being done by statute. She said she wants the two witness requirements upheld, stating that the requirement dates back further than the 1600s - to Moses. She concurred with Representative Eastman that perhaps the verification of witnesses for marriages is lacking. She stated, "We want to respect the separation people have on their marriage ceremony, but when it comes to the actual certification - that is a legal document by the state that we're going to recognize for many other benefits." She expressed hope that the conversations that have taken place have eased the burden on the

wedding destination industry and it will have more flexibility now regardless of what happens with HB 62, as amended.

1:52:23 PM

CHAIR CLAMAN said in discussions with Representative Vance, he had talked about a cousin of his that had married in France, where there is a distinction between a religious ceremony and a civil one, and he noted Representative Vance had cited some biblical passages that she considered a foundation for the witness requirement. He said if a tradition - religious or otherwise - calls for witnesses, then that is appropriate, but it is not the state's affair. The state's interest is in making sure there is a record of someone getting married and "ways to confirm that actually happened." He said the officiant already witnesses the marriage, and that person is much more easily identified than the other two witnesses, who could be "two people standing on the street corner that they just bring in." He questioned the purpose of the witness requirement. He said the purpose of the witness for the PFD is to prevent fraud. He said he has not heard "for years and years" of an instance where anyone has said two people "didn't get married on that day" or "they didn't marry that person." He said he likes the idea of minimizing the role of government here. He opined that [Representative Vance] made a case for following tradition in a church that requires two witnesses but not for there being a reason to do so because it is a document the state wants.

1:56:35 PM

CHAIR CLAMAN noted that Representative Snyder was participating via Teams.

1:57:06 PM

REPRESENTATIVE SNYDER moved to report HB 62, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

1:57:23 PM

CHAIR CLAMAN noted there was an objection.

1:57:27 PM

A roll call vote was taken. Representatives Snyder (via Teams), Kreiss-Tomkins, Drummond, and Claman voted in favor of the

motion to report HB 62, as amended, out of committee with individual recommendations and the accompanying fiscal notes. Representatives Eastman, Kurka, and Vance voted against it. Therefore, CSHB 62(JUD) was reported out of the House Judiciary Standing Committee by a vote of 4-3.

[1:58:59 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 1:59 p.m.